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## The Story by Chapters.

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CHAPTER I. On a Charge of Murder. THAT'S the charge, lieutenant? "Murder."

Inspector Ranscombe, in of the central office of New York's police department, gave the prisoner before him a second and more searching glance.

The prisoner straightened his well formed shoulders as he returned the glance. He stood with a pair of thin and soiled hands clasped before him. There was a glint of steel at the wrists. the sleeves of his coat only partly hiding the manacles that shamed him. His clothes were those of a boy from the country, and he wore them awkwardly in the bright, sunny room of the chief of the city's detectives, where everything was spick and span and the uniforms of the office staff as trim and fresh as though just from the department's tailoring contractor.

Ranscombe, a man beyond the half century mark, short and at times brutal in his speech, his heavy jaw and bristling white mustache suggesting latent ferocity, felt a little twinge at youth bore none of the marks of the born criminal.

"What's your name, boy?" he asked sharply.

"James Montgomery," was the answer, huskily given.

"How old are you?"

"Twenty-one." "Guilty?"

lips \*rembled and the denial of guilt refused to . - ve them.

The insper or turned to the detective Hentenant in charge of the prisoner. "What is it. Kearney." he asked-"a

street quarrel?" "No. sir; bank watchman killed. He's a yegg.'

"A yegg!" "Yes, sir. The West Side National bank was blown last night. The



"The policeman on the beat got this

watchman was murdered. Three men did the job. The policeman on the beat heard the explosion and got this The other two made their get-

"You got a case here that won't fall down?"

"Yes, sir; it's a good case." The inspector hesitated as if debat-

ing in his mind whether to put the boy through an examination. Lieutenant Kearney seldom needed aid from his chief. He was a detective of experience and one who could safely be trusted to clear up any case.

Ranscombe turned to the pile of documents on his desk.

"Take him to the identification department and go ahead with the case," he instructed the detective.

The fingers of Kearney's right hand gathered up the folds of his prisoner's sleeve until his grip became viselike. He wheeled about and started for the corridor, the boy balf staggering along

In the main hall of the building they took a rattling and paisled elevator to the top floor. Here they entered a small, dingy room where were scales, a large tripod with a camera topping it and an iron frame for holding in position the head of the subject to be photographed.

Two identification experts in uniform took the prisoner in hand and photographed him, profile and full face.

Montgomery was then placed on a small platform and his height measurement made. One of the experts filled the iron pallet's edge and held out his in an identification sheet as the other took the length of the prisoner's arms and legs, the circumference of the trunk at the navel and the hips and the chest measurement. With a steel compass the measurement between the base of the nose and the base of the skull was made. The expert called off the length and breadth of the right stuck it into the stew and ate of it ear in a droning voice. All the figures with little grunts of animal satisfacwent down in lnk on the identification tion. blank, a piece of white cardboard six inches wide by four in length.

The man at the desk put down his pen and left his chair, advancing to the prisoner. He stopped directly before him and fastened his eyes on Montgomery's as if to hypnotize him. The prisoner returned the gaze, his pupils dilating as fear crept into his heart-a fear that he could not define. He had not slept in thirty-six hours, and he had not eaten in twenty-four. He felt as if his body were swaying. but the clear, searching eyes so close

to his seemed to hold him to his beels. Suddenly the eyes of the expert were withdrawn, and Montgomery regained control of his senses. He saw the man his heart as he told himself that this back at his desk and writing. He was putting into the record the color of the prisoner's eyes, a description of their shape and of whatever peculiarities he had discovered in them.

In his weak and exhausted condition Montgomery was easily bewildered. He was in a state of mild stupefaction as the man with the measuring instruments again began work. Soon the Montgomery shook his head as his expert's voice was droning out more measurements. The length of the nose at the bridge, its projection at the high- asking the day and hour when the est point and at the nostrils, the height and width and peculiarities of the fore- keeper bestirred himself. head, the shape of the chin, the nature of the setting and filling of the teeth. their number and condition, the shape | chair and came to Montgomery's cell. of the lobe of the right ear and its border, the color of the hair and its condition were all placed in the record that would make James Montgomery

a marked man and easy police prey for the rest of his life. Kearney unlocked the handcuffs.

'Take off your clothes," he ordered. The naked lad was placed on the scales and his weight taken. The left foot and the little finger of the left hand were measured. The two experts then examined every square inch of the prisoner's body and made note of room was large and wainscoted high every mark, mole, scar and cutaneous pecullarity.

As Montgomery feebly struggled back into his home fashioned underwear and poorly fitting suit of clothes the Bertillon men studied him careful- glars, pickpockets, confidence men and ly and keenly, as if they were two connoisseurs at a county fair passing upon an especially interesting steer. They were seeking material to fill in that were common thieves. part of the record carrying the title line

"Peculiarities of Habit and Action." They conferred in whispers and decided that the prisoner belonged to the as doormen. "dopey" class. He was of good frame, but appeared listless and weak. They were not medical men, and they could not know that malnutrition was the cause of the lad's feebleness and that felt the prisoners about him turning misery of soul had sent his manhood in one direction and he turned and reeling over the ropes.

The prisoner was led to a desk on which was a long, white form ruled into twelve rectangles. A Bertillon man caught his wrists and pressed his fingers down upon a marble slab cov- the room and another masked man apered with printer's ink. The prints of peared on the threshold. all the fingers of each hand were made in the record, and then prints of the first joints of the four fingers were made in other rectangles. A pen was handed the prisoner, and he was made | plain clothes men gradually began to to sign his name to the sheet of paper. As he lifted the pen from the paper the Bertillon man grasped his right forefinger and made a separate record of

THE REAL PROPERTY.

faces should have been. it just under the name. The detectives peered steadily at the The police no longer depended on the

name or facial characteristics as a faces and forms within the circle, means of identifying the prisoner. The studying their "Peculiarities of Habit name James Montgomery meant little and Action." The hunters would know if anything now. But the little whorls, their quarry again when time came "islands," parabolas and "breaks" to break open new leads, but the quarshowing in the finger prints in that ry in flight would not know the faces record forever tagged their man. He of the men after them. might grow old and feeble and so

Montgomery's head was swimming. change his appearance that even his and his heart going like a trip hammer own brother would know him not, but when he was shoved into a prison van the finger prints would never change, with the others and taken to the Jefferand no other human born on earth son Market police court in the lower would have the same little circles in west side to be arraigned.

the skin which nature so wonderfully As dismal as was the interior of the and strangely twists in separate deill lighted courtroom, the first glimpse of the black robed magistrate brought The police record of James Monta feeling of relief to Montgomery. He comery went into the files and his picwas in a court of justice, an institution designed for people in the very plight Kearney took his man back to the in which he found himself. The inno wheezy elevator and below to the main cent would here find protection, and floor. A short flight of winding stairs the guilty would receive punishment. took them to the basement and a little The courts were as much for the peo-This ple as for the police, he thought. cramped and dark place would hold

signs for each of the human species.

tures into the gallery of rogues.

prison known as "the barrel."

Montgomery until he was arraigned

before a magistrate and the slow proc-

ess of marching through the courts to

prison or liberty was begun. Here, be-

he was as far removed from the sav-

Pending his arraignment in court

It was noon the next morning when

into oblivion. His tired eyes closed,

A voice, sounding very faintly at

"I thought you was dead," he heard

The prisoner dropped his legs over

The turnkey had brought him a large

tincup filled with beef stew, and the

savor of it made the boy's brain reel

with the delights of anticipation. He

from it eagerly. The turnkey handed

him a piece of bread. He clutched it.

Montgomery heard the cell door slam

the starved, tired lad forgot his sor-

rows and remembered his miseries no

the turnkey say. "Here, take this."

first, but gathering volume until his

ears ached, awakened him.

Magna Charta.

his protection.

and he slept.

hands.

slumber.

had settled upon him.

unlocked the door.

the cell.

moving the kinks in his muscles.

"It's time for the lineup," he was in-

formed. "They want you upstairs."

with racks of pictures-the old rogues'

gallery. In the center of the room was

a clump of fifteen men and three wo-

men. They made up the police crop of the night before. Yeggmen, bur-

a black browed Sicilian bomb thrower

were included in the group. The wo-

men, blowsy, frowsy and insolent.

Montgomery was put in this herd

and told to wait there. Half a dozen

uniformed policemen were doing duty

After a few minutes of anxious

nerve wearing delay a door opened and

on the threshold appeared a man in

the garb of a citizen. Montgomery

looked. He saw the man in the door.

There was something uncanny about

his appearance, and he looked more

with a black mask. He stepped into

The prisoners in the center of the

room drew closer together. There was

a snicker of contempt from several of

them and a whispered anathema as the

crowd the room. Montgomery counted

the first and then the second dozen and

still they came, silently, and showing

hideous black patches where human

As the line of prisoners edged along in front of the magistrate's desk he began to frame the words he would say in his own behalf. Surely he would be given a chance to declare his innocence.

neath the level of the street, he could At last it came his turn. He stepped and no word to lawyer or friend, and upon the little elevation known as the "bridge" and looked over the edge of ing benefits of the habeas corpus as if he were existing before the signing of the magistrate's desk. The magistrate did not look at the prisoner, but gave all his attention to a document placed this citizen of the United States was before him by a clerk at his right without one single trace of considerahand. He signed it and gave it to Detion by the law which was written for I tective Kearney, who held fast to the sleeve of the accused. The policeman on duty at the bridge pulled back the prisoner, and Kearney started off Montgomery groped about his little black cell and found an iron shelf through the crowd with him. In his hinged to one of its walls. He threw right hand the detective held the docuhimself on a dirty, twisted blanket, his | ment committing Montgomery to the body worn out and his mind a blank. Tombs to await an investigation of the His stomach called for food, but he charge against him and an indictment dared not ask for any. The lunch by the grand jury. hour tramping of feet above lulled him

Within a half hour from the time he stepped upon the bridge with his protest of innocence ready on his lips James Montgomery was in a cell in murderers' row in the Tombs.

> CHAPTER II. Detective Michael Kearney,

ICHAEL KEARNEY was one of the star plain clothes men of New York. He had little imagination, and the psychotheories of Munsterberg and Lombroso did not interest him. His lifted the cup to his lips and drank life was given to dealing with the raw stuff-the actual criminal and the actual crime. He never shaped a theory. The district attorney and his assistants could indulge in that after he had turned in the evidence.

Kearney "went on the cops," as the and the key turn in the lock. As the department slang has it, when he was welcome process of digestion started twenty-three years old. He had done two years' work at the polls in his election precinct, and his father before more in dreamless and refreshing him had been a politician. He was among the humble but nevertheless ef-Simple as was the food, and only too ficient and necessary toilers in the slight for a famished youth, it started great political machine which for so the blood coursing healthily through many years controlled the government his veins once more. This second of New York.

sleep brought back his strength, and In the police school Kearney was the fog that had come to his brain taught how to heel a crook, how to while he was undergoing the strange strangle an assailant, how to suddenly hardships of identification began to shoot upward the heavy base of his lift. When he wakened again he found big right hand to the chin of a foe that nature, replenished with fuel, had from the underworld and shock his cast off the dread load of despair that brain with the jolt and other essentials which he worked out with dogged He knew not whether it was day or application and terrific sweat on the night. He rubbed his face briskly, tak- | wrestling mats in the training room.

ing a dry bath and equalizing the sur-After this kindergarten training Kearney went to the identification face circulation of his blood. He threw out his arms and legs vigorously, re school, where he was taught the art of keeping a fellow human branded with his guilt until the day of his death. Through the bars of the cell he saw the yellow smear of light and the turn. At a little desk of the same style of construction that is used in the public key sitting beneath it smoking a pipe. schools he sat for days, listening keen-He was debating the advisability of ly to lectures and watching his instructor draw on the blackboard human door of the "barrel" rattled and his profiles and sketches of ears and noses. Here he developed the power of obser-A man in uniform was admitted. vation and also strengthened his mem-The turnkey placed his pipe in his

As Kearney advanced in his profes-"Get your hat," he ordered as he sion he became known as a detective who never stopped on a trail until he Montgomery groped about for his had caught up with the quarry. After cloth cap, found it and stepped out of five years he was made a first grade lieutenant at beadquarters. He had become a silent, almost sullen, man looked up to by those under him and In charge of the uniformed man he feared by those over him, who drew made his way up the winding stairlarger salaries, but who had less capacway and stepped into the blinding ity as man hunters.

sunlight which flooded the assembly If any of the sense of humor had room of the detective bureau. The come to him with his Irish blood Kearney lost it in early youth with other boyish pleasures.

But Kearney had one pleasure in life. This pleasure was his home. It was not the home of the average man of thirty years, with a contented wife and growing children, but it was good enough for Kearney, for his old mother kept it spotlessly clean and snug for him, and therein she worshiped her only son. In a comfortable little flat in the lower east side mother and son lived. She was all the world to him. and he was the apple of her eye.

The day before the trial of James Montgomery for murder Kearney started home after a long conference with a young assistant district attorney who had been given the case for prosecution. They had gone over the evidence together carefully, and both had agreed, with considerable satisfaction, that the jury would surely bring in a verdict of murder in the second degree if it failed to bring in a first degree

closely. The man's face was covered verdict entailing death in the chair. Counsel had been appointed by a justice in the criminal division of the supreme court, as Montgomery was friendless and penniless. An effort had been made to have this lawyer plead guilty to manslaughter for the detime and expense would be saved. For from the country. thus helping out the county. Montgomery would be repaid with a sentence of plead guilty to any degree of crime.

way into the lower east side. On Ol- arrest." iver street, close to the old Cherry hill section, he came to a three story brick | yer?" asked Kearney. building that had been a fine residence in the days when Canal street was the city's northern boundary. It had been late for me to see my son. They did made over into flats, and his home was not know the name of his lawyer, but on the top floor.

At the head of the top flight of stairs his mother stood waiting for him. She kissed him and, with a hand on his arm, escorted him into the kitchen of the flat. She pulled a chair up to the kitchen table and hung up his hat and

The room was spotless and had a wholesome, homely aspect. The only He knows nothing about crime, Mr. picture on the kitchen walls-and the Kearney. He's just a country boy. kitchen was also the dining room for His father was a good man before mother and son-was that of the Sav-

At the two open windows a gentle breeze of the autumn evening made crispy serim curtains rise, flutter and fall. Kearney tilted his chair back against the wall and sighed his content as he sat in his shirt sleeves and glanced about the room. He had as yet said nothing.

"Ye're that solemn, Mike," protested his mother. "that ye'd give a good fairy th' blues. What's ailin' ye, lad?" "Nuthin'." he replied. "I gotta case on tomorrow, and I don't want to

make a slip up." "A big case?" she asked.

"No, but it's murder." "Murder!" she echoed with awe her voice.

"The Montgomery case I told ye about."

"Oh, an' he's only a broth of a boy!" "Crooks start young."

She spread a clean cloth in the rear of the little, old fashioned house, crept to the scrim curtains and darkened them. Kearney closed the windows and lighted the gas jet over the center

The mother placed bread and butter, boiled beef, potatoes and cabbage on the table, and they sat down for their in his assembly district, was the man evening meal. Mrs. Kearney made the chosen by the court to defend Montsign of the cross, and her son, from gomery. The fee he would receive long habit, bowed his head and touched his breast in three places.

They were eating in silence when the electric bell beside the kitchen door tingled feebly.

"Who's that, I wonder?" asked Kearney, reaching behind him and pressing the button which would open the street entrance. They had resumed their menl when there came a light tap at the door.

"Come in," called Mrs. Kearney. The door opened. The light overhead flooded the frail figure of a woman in black. She was old and a little bit of a creature with the frame of a



"He is innocent, sir," the frail visitor pleaded.

mere child. Her clothes were of poor quality, but were wonderfully neat and | real thrill. He was not of the real tidy. She wore an old fashloned bonnet trimmed with stiff, white ruching. for selfishness or hate. He was not a Her hands were ungloved, and they minister of the gospel nor was he the showed small and thin and heavily vein- dissolute son of a Pittsburgh millioned. Her face was very pale, and in aire. her faded eyes was a light of dreadful anxiety.

her chair and going to the visitor. The little old woman entered and

sat on the edge of a chair offered her. "What can I do for you, ma'am?" asked Kearney, half turning from his

"You can do everything for me, sir,"

she replied, with a quaver in the sound of every word. "I've come for my boy, Jim-Jim Montgomery. He's in trouble. I just heard of it through the pa-

A wave of pity flooded the heart of Mrs. Kearney as she looked from the pathetic little mother to her big boned, stolld son.

Kearney's jaw dropped, and the knife and fork fell from his hands. He turned cautiously and took a sly look at the face of the mother of his quarry. He saw that she was a woman of refinement and not of the vigorous, assertive, independent, motherly type of fendant. The docket was heavy, and portment told him that she had come curiously and wondered what part he

"I would have been here sooner." she fifteen or twenty years. But the boy's of the Hudson, you see, near Nyack, lice trick. counsel reported that his client insist. and I did not know what had happened on his innocence and refused to ed. I thought my Jim was hunting a job in the city, and when I did not guilty.

Mike Kearney was satisfied. His evi- hear from him I went into the village dence was all in shape. He left the to ask the advice of some of the friends cracked, dirty, crimical courts build of my husband, who is dead these ing on Center street and threaded his many years. I then heard of my boy's

"Why didn't yuh go to see his law

"I went to the Tombs prison," she told him, "and they said it was too not know the name of his lawyer, but one of the keepers felt sorry for me and told me that you knew all about the case. He got your address for me." Mrs. Kearney began clearing away the dishes.

"He's innocent, sir," the frail visitor pleaded eagerly. "He has been my support since he was a boy of fourteen, and a better son no woman ever had. him, and I brought him up in the fear of God. You've got a good mother, sir, and you c-c-c-an"-

"What can I do, ma'am?" demanded Kearney sharply. "I'm the chief witness for the prosecution. I gotta do my duty, hard as it may be. The law tells me what I gotta do, and I must do it. If you got witnesses bring 'em to court in the morning."

"I have several friends in Nyack who will testify that my boy is a good boy," she sobbed. "They promised to come to the courthouse tomorrow."

Kearney looked at his watch, pushed back his chair and reached for his hat and coat. "That's all I can tell you, lady," be

said as he departed abruptly. Mrs. Montgomery called after him in a thin, frightened voice, but if he heard

he did not reply. She started up from her chair and sank back, sobbing bitterly. Kearney's mother brought her a cup

of tea and solaced her as best she could, the tears flowing from her own eyes. Eugene Garrett, a lawyer of insignifi-

cant attainment at the bar, but with a certain degree of political influence from the public treasury was a part of his reward for his political industry in and out of season. Garrett welcomed the arrival of the

mother of his client and with the voice of a dove assured the frightened little countrywoman that he would move now up to you, gentlemen to send the heaven and earth to free her son. He prisoner to the chair." inquired very gently as to her probability of securing funds for taking the to James Montgomery a realization of case to the higher courts on appeal, should a verdict against him be reached by the jury.

fee from her as well as from the court. mother was sitting beside him, her the lawyer took a genuine professional hand clasping his. interest in the mother of the defendant. He would use her to work on the hend what was going on. She had sympathies of the jury. She brought never heard of the Bertillon system. to the criminal courts building three Montgomery choked back the sobs of men and a woman, old friends from despair that kept rising in his throat the country about the town of Nyack. and returned the pressure of his moth-All would be willing character witness er's hand. es for the accused.

witnesses and a flock of men drawn as the accused. He had been a faithful veniremen. They were hardly seated son and the support of his mother. He when the door of the chambers of the was working as an apprentice machinman in a black silk gown strode across Work was scarce and he had left the room and made his way laborious- home to seek employment in the city. ly and with much panting to the dais before a murai painting of Justice. jurned in the chair and looked to the flanked by another of the three Fates.

A jury was quickly secured from the panel, and twelve men who had declared that they were not opposed to apital punishment, that they had not read the newspapers, that they had no opinions whatever and were perfectly competent to give Montgomery a fair trial and order his life snuffed out. took their seats in the jury box. The annals of New York's courts are packed with cases where hysterical

editorials, articles of "human interest" by special men and women writers forcing sympathy for murderers and murderesses, have brought about acquittals. But in the case of the people or the police against James Montgomery there was no outcry for mercy. There was not enough of sordidpess in the crime to give the public a murderer's type-the kind that slays The watchman of the bank in the

west side had been cracked over the "Come in, ma'am, won't ye, and have head with an iron instrument. His a seat?" asked Mrs. Kearney, leaving end was as prosaic as had been his birth and life.

There was no crowd in the courtroom as Garrett rose and announced that the defense was ready for trial. The policeman who had caught the

prisoner running away from the scene of the murder with a kit of tools sat on the left of the prosecuting attorney. Three other witnesses sat near them They were to testify that on the night of the murder they had seen the prisonr lurking in the Hell's Kitchen section of the city on the North river front. One of these was a stool pigeon of long service to the detective bureau, a man bired to betray fellow criminals and one whose own crimes were overlooked because of his usefulness.

There was one other witness, a manwho combined a knowledge of bacteriology and chemistry with a knowledge of the science developed by Bertiilonthe east side. Her dress and her com- anthropometry. Garrett looked at him would play in the case. The police had not produced this witness until explained, "but I live on the other side | the trial was begun. It was an old po-

> The indictment charging murder was read, and the prisoner pleaded not

## ' CHAPTER III.

"Murder in the second degree." W 7 HERE it required three months to bring about a mistrial for a murderous young millionaire in this same vilely kept building, with its horde of idling political appointees, it required only three hours to dispose of the case of this pale country boy facing a hurrled and

Impatient judge and a sleepy jury. In those three hours Kearney, the man from headquarters, had his witnesses present the case for the state. The three men from Hell's Kitchen told of seeing the prisoner lurking in that neighborhood. He was in the company of two yeggmen. The policeman who arrested him told of his attempted escape after the vault of the bank was blown with nitroglycerin.

Garrett then learned why the expert was brought into the case. The expert qualified as such in a brief direct examination. He identified a heavy iron wrench handed him by the prosecutor as one of the tools found in the

kit taken from the prisoner. "You made a careful examination of this implement, did you not?" asked the assistant district attorney.

"I did."

"Tell the jury what you found there." "I found a spot about two inches long by a half inch wide and by laboratory tests found it to be a spot of human blood."

"What else did you find?" "I dusted the wrench with a white powder and found the prints of a thumb and two fingers," The prosecuting attorney placed the

wrench in evidence as Exhibit A and

then offered as Exhibit B an enlarged photograph of the prints found upon it. "I offer you for identification this document, which is the Bertillon record of the accused taken at police headquarters following his arrest," said the prosecutor.

The expert examined it.

"What do you find in this record that bears upon the case before us?" "The thumb print and the prints of the index and middle fingers of the right hand in this record are the same prints shown upon the wrench with the spot of blood.'

"That is all," said the prosecutor. with a smile and an air of triumph. He was young and eager for a record of convictions. He looked significantly toward the jurors as if to say, "It is

This trump eard of the police brought the utter hopelessness of his plight, and his face became a chalky white. Death in the electric chair was before him. Aside from the prospect of getting a He was but a boy, and his patient, old

Fortunately she could not compre-

The witnesses for the defense were They entered the courtroom with the put on in quick order. They told in young assistant district attorney, his bomely language what they knew of presiding justice was opened by a ist in a factory in Nyack when hard court attendant and a heavy, drowsy times caused the factory to close.

> The mother took the stand. She judge appealingly, as a wounded bird would look up to the bough from which it had fallen.

"Just tell the jury about your boy," said Garrett, standing and twirling a heavy gold watch charm.

"My son was born in the cottage in which I now live near Nyack"- she began.

"You must speak louder," the judge instructed.

She finally raised her voice and told her story. The mother love sang in every word she uttered; it glistened with the soft light of holy candles in her faded eyes, and it fairly trembled forth from her fragile body as she told of the life of her only child and of their mutual struggle.

"It is not in the nature of my son to harm any one." she started to say, as her story drew to a close. The young prosecutor popped from his chair as if a powerful spring had been released beneath him.

"I object!" he cried wrathfully. "I ask the court to have that remark stricken out as irrelevant, incompetent and immaterial. It is not evidence."

"Gentlemen of the jury," said the court, after rapping with his gavel. "you are instructed to pay no attention to the remarks just made by the witness. They are not in the nature of evidence, and they are ordered stricken from the records."

(To be continued)

## Have You Heard Long Way to Tipperary"

Victor Record No. 16739? WE HAVE IT

S. L. BENNETT

The Talking Machine Man

A STATE OF THE REAL PROPERTY.